

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY *DMJ*
CLERK

A-19-CV-00775-JRN

DEBRA ROJAS,
Plaintiff

-vs-

TOLTECA ENTERPRISES, INC.,
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,
Defendants

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ORDER

Before the Court in the above-entitled and styled cause of action are Plaintiff's Motion to Compel (Dkt. 20); Defendant's Response (Dkt. 21); and Plaintiff's Reply (Dkt. 22). Defendant did not move to file a Surreply Brief, so the Court will not consider Defendant's Supplemental Response in Opposition to Motion (Dkt. 23). The Court will DENY the Motion to Compel.

In her Motion, Plaintiff moves the Court compel Defendant to provide a more detailed answer to interrogatories served on Defendant on October 28, 2019. (Mot. Compel, Dkt. 20, at 2). Plaintiff's interrogatory #2 states: "If you contend that some other person or legal entity is, in whole or in part, liable to plaintiff in this matter, identify that person or legal entity and describe in detail the basis of said liability." *Id.* Defendant's response states: "No third party known to be involved except for the apartment complex, the Reserve."

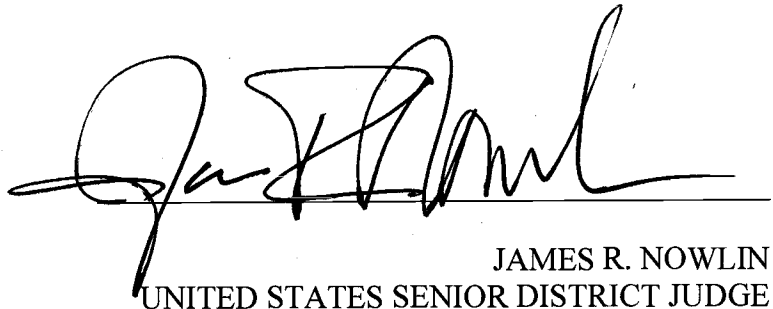
Plaintiff seeks a more comprehensive answer to the interrogatory, describing Defendant's contentions regarding The Reserve's involvement. Defendant responds that it is waiting on more information which should soon be forthcoming pursuant to a subpoena before it can determine whether it contends that The Reserve is liable.

Defendant shall gather the necessary information and submit an amended answer to the interrogatory. Plaintiff also expresses a concern that Defendant's delay is a calculated move to prevent Plaintiff from adding The Reserve as a third party before the Court's deadline of January 6, 2020. If, after receiving the amended answer to the interrogatory, Plaintiff still holds this concern, Plaintiff may move the Court to allow the late joinder of The Reserve.

The parties are advised that they should make every effort to resolve discovery disputes between themselves before involving the Court.

For the foregoing reasons, **IT IS ORDERED** that Plaintiff's Motion to Compel (Dkt. 20) is **DENIED**.

SIGNED this 2nd day of January, 2020.



JAMES R. NOWLIN
UNITED STATES SENIOR DISTRICT JUDGE